

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**PETER YONGSUN CHUNG, M.D.**

**Physician's and Surgeon's  
Certificate No. A89424**

**Respondent**

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**Case No. 800-2015-013931**

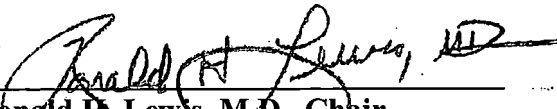
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on February 13, 2019.**

**IT IS SO ORDERED: January 14, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

  
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**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 CHRIS LEONG  
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7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-013931

13  
14 PETER YONGSON CHUNG, M.D.  
261 South San Pedro Street  
15 Los Angeles, CA 90012-3808

OAH No. 2018050270

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Physician's and Surgeon's Certificate  
No. A 89424

17 Respondent.  
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Chris Leong,  
25 Deputy Attorney General.

26 2. Respondent Peter Yongsun Chung, M.D. (Respondent) is represented in this  
27 proceeding by attorney Kevin D. Cauley, Esq., whose address is: One Wilshire Building  
28 624 South Grand Avenue, 22nd Floor, Los Angeles, CA 90017-3323.

3. On or about November 24, 2004, the Board issued Physician's and Surgeon's Certificate No. A 89424 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-013931, and will expire on June 30, 2020, unless renewed.

## JURISDICTION

4. Accusation No. 800-2015-013931 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 1, 2018. Respondent timely filed his Notice of Defense contesting the Accusation..

5. A copy of Accusation No. 800-2015-013931 is attached as Exhibit A and is incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-013931. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2015-013931, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

12. Respondent agrees that if he ever petitions for early termination of probation or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 800-2015-013931, shall be deemed true, correct and fully admitted by Respondent for purpose of that proceeding or any other licensing proceeding involving Respondent in the State of California.

## CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 89424 issued to Respondent Peter Yongsun Chung, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

2 A professionalism program taken after the acts that gave rise to the charges in the  
3 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
4 or its designee, be accepted towards the fulfillment of this condition if the program would have  
5 been approved by the Board or its designee had the program been taken after the effective date of  
6 this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its  
8 designee not later than 15 calendar days after successfully completing the program or not later  
9 than 15 calendar days after the effective date of the Decision, whichever is later.

10 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of  
11 this Decision, and on whatever periodic basis thereafter may be required by the Board or its  
12 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
13 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
14 consider any information provided by the Board or designee and any other information the  
15 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
16 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
17 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
18 psychiatric evaluations and psychological testing.

19 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
20 psychiatrist within 15 calendar days after being notified by the Board or its designee.

21 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,  
22 Respondent shall submit to the Board or its designee for prior approval the name and  
23 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
24 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
25 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
26 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
27 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

28 The psychotherapist shall consider any information provided by the Board or its designee

1 and any other information the psychotherapist deems relevant and shall furnish a written  
2 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
3 psychotherapist with any information and documents that the psychotherapist may deem  
4 pertinent.

5 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
6 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
7 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
8 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
9 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
10 period of probation shall be extended until the Board determines that Respondent is mentally fit  
11 to resume the practice of medicine without restrictions.

12 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

13 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
14 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
15 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
16 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
17 location.

18 If Respondent fails to establish a practice with another physician or secure employment in  
19 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
20 Respondent shall receive a notification from the Board or its designee to cease the practice of  
21 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
22 practice until an appropriate practice setting is established.

23 If, during the course of the probation, the Respondent's practice setting changes and the  
24 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
25 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
26 If Respondent fails to establish a practice with another physician or secure employment in an  
27 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
28 shall receive a notification from the Board or its designee to cease the practice of medicine within

1 three (3) calendar days after being so notified. The Respondent shall not resume practice until an  
2 appropriate practice setting is established.

3 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
4 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
5 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
6 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
7 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
8 Respondent's work status, performance, and monitoring.

9 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
10 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
11 privileges.

12 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
15 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
16 make daily contact with the Board or its designee to determine whether biological fluid testing is  
17 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
18 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
19 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
20 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
21 basis. The cost of biological fluid testing shall be borne by the Respondent.

22 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
23 During the second year of probation and for the duration of the probationary term, up to four (4)  
24 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
25 positive biological fluid tests in the previous four (4) consecutive years of probation, may testing  
26 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
27 of random tests to the first-year level of frequency for any reason.

28 Prior to practicing medicine, Respondent shall contract with a laboratory or service,



1 approved in advance by the Board or its designee, that will conduct random, unannounced,  
2 observed, biological fluid testing and meets all of the following standards:

3 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
4 Association or have completed the training required to serve as a collector for the United  
5 States Department of Transportation.

6 (b) Its specimen collectors conform to the current United States Department of  
7 Transportation Specimen Collection Guidelines.

8 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
9 by the United States Department of Transportation without regard to the type of test  
10 administered.

11 (d) Its specimen collectors observe the collection of testing specimens.

12 (e) Its laboratories are certified and accredited by the United States Department of Health  
13 and Human Services.

14 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
15 of receipt and all specimens collected shall be handled pursuant to chain of custody  
16 procedures. The laboratory shall process and analyze the specimens and provide legally  
17 defensible test results to the Board within seven (7) business days of receipt of the  
18 specimen. The Board will be notified of non-negative results within one (1) business day  
19 and will be notified of negative test results within seven (7) business days.

20 (g) Its testing locations possess all the materials, equipment, and technical expertise  
21 necessary in order to test Respondent on any day of the week.

22 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
23 for the detection of alcohol and illegal and controlled substances.

24 (i) It maintains testing sites located throughout California.

25 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
26 computer database that allows the Respondent to check in daily for testing.

27 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
28 access to drug test results and compliance reporting information that is available 24 hours a

1. day.

2. (l) It employs or contracts with toxicologists that are licensed physicians and have  
3. knowledge of substance abuse disorders and the appropriate medical training to interpret  
4. and evaluate laboratory biological fluid test results, medical histories, and any other  
5. information relevant to biomedical information.

6. (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
7. while practicing, even if the Respondent holds a valid prescription for the substance.

8. Prior to changing testing locations for any reason, including during vacation or other travel,  
9. alternative testing locations must be approved by the Board and meet the requirements above.

10. The contract shall require that the laboratory directly notify the Board or its designee of  
11. non-negative results within one (1) business day and negative test results within seven (7)  
12. business days of the results becoming available. Respondent shall maintain this laboratory or  
13. service contract during the period of probation.

14. A certified copy of any laboratory test result may be received in evidence in any  
15. proceedings between the Board and Respondent.

16. If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
17. administered to himself or herself a prohibited substance, the Board shall order Respondent to  
18. cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
19. medicine or providing medical services. The Board shall immediately notify all of Respondent's  
20. employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
21. provide medical services while the cease-practice order is in effect.

22. A biological fluid test will not be considered negative if a positive result is obtained while  
23. practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
24. substance use exists, the Board shall lift the cease-practice order within one (1) business day.

25. After the issuance of a cease-practice order, the Board shall determine whether the positive  
26. biological fluid test is in fact evidence of prohibited substance use by consulting with the  
27. specimen collector and the laboratory, communicating with the licensee, his or her treating  
28. physician(s), other health care provider, or group facilitator, as applicable.

1 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
2 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

3 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
4 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
5 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
6 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

7 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
8 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
9 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
10 any other terms or conditions the Board determines are necessary for public protection or to  
11 enhance Respondent's rehabilitation.

12 In consideration of Respondent's fulfillment of criteria set forth by Code of Regulations,  
13 Title 16, section 1361.5(c)(3)(I), Respondent is permitted to bypass the first-year testing  
14 frequency requirements set forth above. Accordingly, the second-year testing frequency  
15 requirements will apply upon Respondent's commencement of probation.

16 9. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of  
17 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
18 prior approval, the name of a substance abuse support group which he or she shall attend for the  
19 duration of probation. Respondent shall attend substance abuse support group meetings at least  
20 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
21 abuse support group meeting costs.

22 The facilitator of the substance abuse support group meeting shall have a minimum of three  
23 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
24 or certified by the state or nationally certified organizations. The facilitator shall not have a  
25 current or former financial, personal, or business relationship with Respondent within the last five  
26 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
27 the same facilitator does not constitute a prohibited current or former financial, personal, or  
28 business relationship.

1 The facilitator shall provide a signed document to the Board or its designee showing.  
2 Respondent's name, the group name, the date and location of the meeting, Respondent's  
3 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
4 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
5 or its designee, within twenty-four (24) hours of the unexcused absence.

6 10. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
7 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
8 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
9 licensed physician and surgeon, other licensed health care professional if no physician and  
10 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
11 authority who is capable of monitoring the Respondent at work.

12 The worksite monitor shall not have a current or former financial, personal, or familial  
13 relationship with Respondent, or any other relationship that could reasonably be expected to  
14 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
15 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
16 monitor, this requirement may be waived by the Board or its designee, however, under no  
17 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

18 The worksite monitor shall have an active unrestricted license with no disciplinary action  
19 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
20 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
21 by the Board or its designee.

22 Respondent shall pay all worksite monitoring costs.

23 The worksite monitor shall have face-to-face contact with Respondent in the work  
24 environment on as frequent a basis as determined by the Board or its designee, but not less than  
25 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
26 by the Board or its designee; and review Respondent's work attendance.

27 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
28 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected

1 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
2 be made to the Board or its designee within one (1) hour of the next business day. A written  
3 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
4 any other information deemed important by the worksite monitor shall be submitted to the Board  
5 or its designee within 48 hours of the occurrence.

6 The worksite monitor shall complete and submit a written report monthly or as directed by  
7 the Board or its designee which shall include the following: (1) Respondent's name and  
8 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
9 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
10 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
11 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
12 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
13 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
14 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
15 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

16 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
17 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
18 approval, the name and qualifications of a replacement monitor who will be assuming that  
19 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
20 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
21 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
22 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
23 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
24 responsibility.

25 11. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING

26 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
27 probation.

28 A. If Respondent commits a major violation of probation as defined by section

1 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
2 one or more of the following actions:

3 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
4 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
5 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
6 order issued by the Board or its designee shall state that Respondent must test negative for at least  
7 a month of continuous biological fluid testing before being allowed to resume practice. For  
8 purposes of determining the length of time a Respondent must test negative while undergoing  
9 continuous biological fluid testing following issuance of a cease-practice order, a month is  
10 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
11 notified in writing by the Board or its designee that he or she may do so.

12 (2) Increase the frequency of biological fluid testing.

13 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
14 other action as determined by the Board or its designee.

15 B. If Respondent commits a minor violation of probation as defined by section  
16 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
17 one or more of the following actions:

18 (1) Issue a cease-practice order;

19 (2) Order practice limitations;

20 (3) Order or increase supervision of Respondent;

21 (4) Order increased documentation;

22 (5) Issue a citation and fine, or a warning letter;

23 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
24 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
25 Regulations, at Respondent's expense;

26 (7) Take any other action as determined by the Board or its designee.

27 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
28 to revoke Respondent's probation if he or she has violated any term or condition of probation. If

1 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
2 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
3 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
4 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
5 is final, and the period of probation shall be extended until the matter is final.

6 12. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
7 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
8 Chief Executive Officer at every hospital where privileges or membership are extended to  
9 Respondent, at any other facility where Respondent engages in the practice of medicine,  
10 including all physician and locum tenens registries or other similar agencies, and to the Chief  
11 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
12 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
13 calendar days.

14 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15 13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
16 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
17 advanced practice nurses.

18 14. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
19 governing the practice of medicine in California and remain in full compliance with any court  
20 ordered criminal probation, payments, and other orders.

21 15. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
22 under penalty of perjury on forms provided by the Board, stating whether there has been  
23 compliance with all the conditions of probation.

24 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
25 of the preceding quarter.

26 16. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

28 Respondent shall comply with the Board's probation unit.

1       Address Changes

2       Respondent shall, at all times, keep the Board informed of Respondent's business and  
3 residence addresses, email address (if available), and telephone number. Changes of such  
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
5 circumstances shall a post office box serve as an address of record, except as allowed by Business  
6 and Professions Code section 2021(b).

7       Place of Practice

8       Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
10 facility.

11       License Renewal

12       Respondent shall maintain a current and renewed California physician's and surgeon's  
13 license.

14       Travel or Residence Outside California

15       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
17 (30) calendar days.

18       In the event Respondent should leave the State of California to reside or to practice,  
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
20 departure and return.

21       17. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
22 available in person upon request for interviews either at Respondent's place of business or at the  
23 probation unit office, with or without prior notice throughout the term of probation.

24       18. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
27 defined as any period of time Respondent is not practicing medicine as defined in Business and  
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct



1 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
2 Respondent resides in California and is considered to be in non-practice, Respondent shall  
3 comply with all terms and conditions of probation. All time spent in an intensive training  
4 program which has been approved by the Board or its designee shall not be considered non-  
5 practice and does not relieve Respondent from complying with all the terms and conditions of  
6 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
7 on probation with the medical licensing authority of that state or jurisdiction shall not be  
8 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
9 period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
11 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
12 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
13 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
14 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

16 Periods of non-practice will not apply to the reduction of the probationary term.

17 Periods of non-practice for a Respondent residing outside of California will relieve  
18 Respondent of the responsibility to comply with the probationary terms and conditions with the  
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
21 Controlled Substances; and Biological Fluid Testing.

22 19. COMPLETION OF PROBATION. Respondent shall comply with all financial  
23 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
24 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
25 be fully restored.

26 20. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

5 21. LICENSE SURRENDER. Following the effective date of this Decision, if  
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
7 the terms and conditions of probation, Respondent may request to surrender his or her license.  
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
9 determining whether or not to grant the request, or to take any other action deemed appropriate  
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
11 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
12 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
13 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
14 application shall be treated as a petition for reinstatement of a revoked certificate.

15 22. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
16 with probation monitoring each and every year of probation, as designated by the Board, which  
17 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
18 California and delivered to the Board or its designee no later than January 31 of each calendar  
19 year.

#### 20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, Kevin D. Cauley, Esq.. I understand the stipulation and the effect  
23 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement  
24 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
25 Decision and Order of the Medical Board of California.

26 ///

27 ///

28 ///


1  
2 DATED: 9/18/2018

  
3 PETER YONGSUN CHUNG, M.D.  
Respondent

4 I have read and fully discussed with Respondent Peter Yongsun Chung, M.D. the terms and  
5 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

6 I approve its form and content.

7 DATED: 9-18-18

  
8 KEVIN D. CAULEY, ESQ.  
Attorney for Respondent


9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Medical Board of California.

12  
13 Dated: 9/19/2018

Respectfully submitted,

14 XAVIER BECERRA  
Attorney General of California  
15 ROBERT MCKIM BELL  
Supervising Deputy Attorney General

  
16  
17 CHRIS LEONG  
Deputy Attorney General  
18 Attorneys for Complainant  
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**Exhibit A**

**Accusation No. 800-2015-013931**

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 CHRIS LEONG  
Deputy Attorney General  
4 State Bar No. 141079  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Feb 1 20 18  
BY W. A. ANALYST

8  
9 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2015-013931

12 PETER YONGSUN CHUNG, M.D.

ACCUSATION

13 261 South San Pedro Street  
14 Los Angeles, California 90012

15 Physician's and Surgeon's Certificate A 89424,

16 Respondent.  
17

18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On November 24, 2004, the Board issued Physician's and Surgeon's Certificate  
24 Number A 89424 to Peter Yongsun Chung, M.D. (Respondent). That license was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on June 30, 2018,  
26 unless renewed.

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28 ///

## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1       “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter.

3       “(b) Gross negligence.

4       “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
6 the applicable standard of care shall constitute repeated negligent acts.

7       “(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
8 for that negligent diagnosis of the patient shall constitute a single negligent act.

9       “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
11 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
12 applicable standard of care, each departure constitutes a separate and distinct breach of the  
13 standard of care.

14       “(d) Incompetence.

15       “(e) The commission of any act involving dishonesty or corruption which is substantially  
16 related to the qualifications, functions, or duties of a physician and surgeon.

17       “(f) Any action or conduct which would have warranted the denial of a certificate.

18       “(g) The practice of medicine from this state into another state or country without meeting  
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
21 proposed registration program described in Section 2052.5.

22       “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
24 who is the subject of an investigation by the board.”

25       6.     Section 2239 of the Code states:

26       “(a) The use or prescribing for or administering to himself or herself, of any controlled  
27 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
28 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to

1 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
2 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
3 consumption, or self-administration of any of the substances referred to in this section, or any  
4 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
5 conclusive evidence of such unprofessional conduct.

6 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
7 deemed to be a conviction within the meaning of this section. The Medical Board may order  
8 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the  
9 denial of the license when the time for appeal has elapsed or the judgment of conviction has been  
10 affirmed on appeal or when an order granting probation is made suspending imposition of  
11 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
12 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
13 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
14 indictment.”

15 7. Health and Safety Code section 11170 states:

16 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

17 8. Section 820 of the Code states:

18 "Whenever it appears that any person holding a license, certificate or permit under this  
19 division or under any initiative act referred to in this division may be unable to practice his or her  
20 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
21 physical illness affecting competency, the licensing agency may order the licentiate to be  
22 examined by one or more physicians and surgeons or psychologists designated by the agency.  
23 The report of the examiners shall be made available to the licentiate and may be received as direct  
24 evidence in proceedings conducted pursuant to Section 822."

25 9. Section 822 of the Code states:

26 "If a licensing agency determines that its licentiate's ability to practice his or her  
27 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
28 competency, the licensing agency may take action by any one of the following methods:



1       "(a) Revoking the licentiate's certificate or license.

2       "(b) Suspending the licentiate's right to practice.

3       "(c) Placing the licentiate on probation.

4       "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
5 discretion deems proper.

6       "The licensing section shall not reinstate a revoked or suspended certificate or license until  
7 it has received competent evidence of the absence or control of the condition which caused its  
8 action and until it is satisfied that with due regard for the public health and safety the person's  
9 right to practice his or her profession may be safely reinstated."

10                                   **FIRST CAUSE FOR DISCIPLINE**

11                                   (Inability to Practice Safely)

12           10.     Respondent is subject to disciplinary action under Code section 822, in that he is  
13 unable to practice safely due to a mental or physical condition and permitting him to continue to  
14 engage in the practice of medicine will endanger the public health, safety, and welfare.

15           11.     On May 7, 2015, the Board received a Health Facility/Peer Review Reporting  
16 Form (PRRF) as required by Section 805 of the California Business and Professions Code. The  
17 report was made by Olive View UCLA Medical Center (UCLA) and documented that  
18 Respondent's privileges were suspended on April 24, 2015.

19           12.     UCLA's report of April 20, 2015, stated:

20                    "An overall summary of the case without going into specific detail is that Dr. Chung  
21 had become addicted to opiate medications over the last few years, which worsened  
22 especially in the last 6-12 months. We know of no serious direct harm to patients, but his  
23 illness did prevent him from caring for patients completely and safely, and it adversely  
24 affected his decision-making capacity. He was frequently tardy or absent from work. His  
25 unprofessional and unpredictable behavior also adversely affected his relationship with  
26 others in the Hematology-Oncology Division, including nurses, fellows and attendings.

27                    "Dr. Chung freely admits to his addiction. He feels a great deal of shame and guilt.  
28 He is undergoing professional recovery assistance and is enrolled in a reputable

1 monitoring program for the next 5 years....”

2 13. On May 21, 2015, the Los Angeles County Department of Health Services  
3 documented the following as the basis for Respondent’s professional staff membership and  
4 privileges being placed on probation:

5 “1) you have an opiate addiction;

6 “2) you used opiates during work;

7 “3) you diverted controlled medications from patients;

8 “4) your drug addiction has led to poor work attendance and tardiness,  
9 inattentiveness during meetings, an inability to teach and supervise fellows and residents, and an  
10 overall decline in your ability to practice.”

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Self Use of Drugs)

13 14. By reason of the facts set forth above in paragraphs 10 through 13, Respondent has  
14 subjected his Physician's and Surgeon's Certificate to disciplinary action under section 2239 of  
15 the Code, in that he self-administered and used opiate drugs.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Prescription of Controlled Substances for Self Use)

18 15. By reason of the facts set forth in paragraphs 10 through 13, Respondent has  
19 further subjected his Physician's and Surgeon's Certificate to disciplinary action under section  
20 11170 of the Health and Safety Code, in that he self-prescribed opioid drugs.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 (Dishonesty)

23 16. By reason of the facts set forth in paragraphs 10 through 13, Respondent has  
24 further subjected his Physician's and Surgeon's Certificate to disciplinary action under section  
25 2234, subdivision (e) of the Code for dishonesty.

26 //

27 //

28 //

1 **FIFTH CAUSE FOR DISCIPLINE**

2 (General Unprofessional Conduct)

3 17. By reason of the facts set forth in paragraphs 10 through 13, Respondent has  
4 further subjected his Physician's and Surgeon's Certificate to disciplinary action under section  
5 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of  
6 the medical profession, or conduct which is unbecoming to a member in good standing of the  
7 medical profession, and which demonstrates an unfitness to practice medicine.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Medical Board of California issue a decision:

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 89424,  
12 issued to Respondent Peter Yongsun Chung, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
14 physician assistants and advanced practice nurses;
- 15 3. Ordering Respondent if placed on probation, to pay the Board the costs of probation  
16 monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: February 1, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

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24 LA2017605225  
25 accusation - mbc.rtf  
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